

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WILLIAM SHAWN BLANKENSHIP,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-15-627-C
)	
KAMERON HARVANEK, Warden,)	
)	
Respondent.)	

ORDER OR DISMISSAL WITHOUT PREJUDICE

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bernard M. Jones consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Jones entered a Report and Recommendation on September 15, 2015, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge. No point would be served in repeating that analysis. Petitioner does not specifically dispute either the factual recitation or the legal reasoning employed by the Magistrate Judge, but rather disagrees, in a summary fashion, with the ultimate conclusions. There is nothing asserted by the Petitioner which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result. Although Judge Jones recommended dismissal only if Petitioner elected not to amend, omitting unexhausted claims, Petitioner has elected not to amend, instead requesting a stay while he returns to state court. However, Judge Jones

addresses this issue, and concludes correctly that the limited circumstances justifying a stay are not present here. (See Report and Recommendation at 8, n.7, Dkt. No. 15.)

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, denies this petition for habeas corpus relief is dismissed, without prejudice.

IT IS SO ORDERED this 30th day of October, 2015.



ROBIN J. CAUTHRON
United States District Judge